G. R. S. 59] GPB—15,000—22-7-14

GENERAL AND REVENUE SECRETARIAT.

1903-1904
~~191~~ . P35

(Municipal)

File No. 141 of 1903

Serial Nos. 1 — 8

B
Papers Filed.

Month June 1904.

SUBJECT.

Appeal of Zinvollabdin late Conservancy Overseer, Bangalore City Municipality, against his removal from Service

Indexed — [illegible]

PREVIOUS REFERENCES.

LATER REFERENCES.

[illegible]

Govt
the Dewan of Mysore

No. (if any)

Directions.

No., date and purport of reports to be entered in red, and the note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

51-02

Office Note.

Branch Local Boards Branch

Subject Letter no 118 dated the 5th Nov 03 from the President of the Municipal Commission, Bangalore City, reporting on the petition of Zainullabdin late Conservancy Overseer of the City Municipality.

The facts of the case are as follows:-

Under date the 24th April 1903 Varadaraja Sanitary Inspector, reported to the Health Officer that the petitioner Zainullabdin had collected a sum of Rs 1-12-0 as scavenging cess from one Puttathayamma of house no 9 in Balepet and given an unformal receipt therefor and that he must have done it with dishonest motive;

he had never been asked to collect
rent, there being a separate man
employed for that purpose and
especially as he omitted to show that
house in the rent demand Register as
one conserved by the Municipal Thotti

2. Thereupon the Health Officer
sent for the house owner who deposed
B that he had paid the amount to
Irivallabhan and received a receipt
for the amount and that he had
told him that he would take back that
receipt and issue a formal one. when
~~[illegible]~~ in due course.

D 3 The petitioner, however, deposed
as follows:-

"I went & gave the receipt to
Poothathangamoorthi. I took Rs. 2/- and
the book back. I owned. The amount was
collected as conservancy rent for 6 months
the house was being conserved by

municipality for over 1½ years. But no such tax was collected from her till now. I did not include this house as being concerned by the Statistics only me in the list furnished hitherto. I am not authorized to collect consumery tax. I collected this like a visit to hearing it over when further bill was made and sent. Cess collection bills are usually signed by the Vice-President. I have no authority to sign such bills. The late cess collection reported to the Sanitary Inspection that trouble in the Division when he asked for cess were started that the amounts were received by the Conservancy Overseer. The Sanitary Inspector says that this was given to the Conservancy Overseer for explanation, and the Overseer now denies having received it. I gave the receipt on 7th March'09. It is my mistake that I did not remit the money.

4 Then the Health Officer wrote a note to the President explaining the circumstances of the case and stating that the recovery of the amount and the issue of a receipt written in pencil are quite unwarrantable and should have been with no other intention than that of misappropriation. He also referred to his previous misconduct and his dismissal for gross neglect of duty in 1898 during Mr Leonard's time and recommended the man's dismissal for the second time

5 The President observed that he was afraid that a good deal of such things was going on and that an example was necessary; and ordered that the man must be prosecuted if sufficient evidence could be found against him.

6 The petitioner was

relieves of his duties and was pro-
ceeded before the City Magistrate for
an offence under section 465 I.P.C.

7 From the copies of depositions
furnished by the petitioner it will
be seen that the home Guard Porter
Mungeli's statements are in were
all in his favour and went so
far as to clear him of all bad
motives while those of the prosecution
witnesses were not argue very much
against him.

8 Prabhatsingh asked for a receipt
for the amount demanded of her, and
the petitioner replied that the receipt
was with him come but that
he would grant her his own receipt.
Then again, he told her that he would
take back that receipt when he
gave her the regular receipt
you 8 days after he offered to return

the amount to her as the regular receipt was not then ready. But she could not accept the offer as the key of the box in which she had kept the original receipt was with her daughter who had gone away to Boddaballapur. She did not complain of this affair at all to any body and she had known the accused for one year.

9 Coming to the prosecution witnesses. In his cross Varadaraja, Sanitary Inspector, and the petitioner's official superior, admitted that the collection duty was with the Conservancy department for some time but that was two years before, and that when they had the collection having Overseers had been collecting fowls and that from February 1903 they had again to collect fowls since the [illegible]

paid over the money to the person of the division who took charge from him

10. The petitioner (accused) stated in defence that it was true that he took the money from the woman and granted her a receipt, that the Sanitary Inspector ordered him in February to prepare lists of houses and to begin collecting fining cases from January, that he therefore took Rs 1-15-0 from that woman, that at the office he was told that every receipt had not been ready and that hence he had to keep the money with himself.

11 On this the City Magistrate dis. charged the accused with the following observations:—

× × ×

"4. No prima facie case was made out against the accused."

"5. It is admitted by the accused

that he collected Rs 1-15-0 from the complainant. The prosecution 2nd witness Vara da naja, the Sanitary Inspector, who is the accused's official superior states that the accused has not been ordered to book the collection however also. Relying this witness, the utmost that could be said against the accused is that what he did was quite officious. But the section 409 I.P.C contemplates a dishonest or fraudulent intention. The conduct of the accused in giving a receipt to the complainant for the money that he took, backed up by the complainant's statement that he offered thrice on four times to return the money to the complainant on the ground that the printed receipts had not been ready goes rather to negative such bad intention on the part of the accused. Hence I do not find a prima facie

for the return of the receipt This
shows a quality knowledge on his
part. Accused had no order to
collect any money and I am of
opinion that the fact of this having
done to is more than officious. At
the accused Zaniewlabski bears a very
bad character he is dismissed the
service"

15 The petitioner's appeal is
against the above order of the
President He relies on the fact of his
having given an informal receipt
to Publicharge - to be substituted by
a formal receipt when ready - and of
his having admitted the fact to this
official superiors. But he has nothing
to say in defence with reference to
the accusation to having Publicharges from
the Court demands Rejected

20 Sept 1903 16 In reference to the appeal

petition. The President refers to the petitioner's previous official career which is as follows:- He was first employed as Conservancy Overseer in 1891. On the 24th July 1898 he was dismissed for gross neglect of duty. He was again on reconsideration taken as Acting Conservancy Overseer in August 1898. On the 10th May 1900 he was allowed burial ground Rs 12/- and was then re-employed as Conservancy Overseer on Rs 15/- in August 1900

The President state that he was suspected of such malpractices for some time and his conduct was accordingly being watched, when this case came to light in April last. With reference to the Magistrate's finding accusation has been all bad allegations. he says that Rabi Bodhadhikary and the petitioner were defences before the magistrate while offered to what they stated (i.e. time he

Vice-President arrive probably the Pallathingee having been somehow or other won over by the petitioner, and had in arriving at the decision the Magistrate took into consideration only the evidences of the accused and Pallathingee and ignored that of the Sanitary Inspector — a respectable official of the Municipality and also the facts elicited by the Vice-President in his official enquiry. In these circumstances the President deemed it necessary to remove the petitioner from service as his continuance in the Municipality would be detrimental to the good discipline of the Conservancy staff and other municipal Establishments generally. He accordingly tendered his resignation which was accepted. The appeal is inadmissible.

17. Limited for orders.

Sd/ 19/11/43 Please put up draft

Calling for the original orders issued by the President & the Sanitary Inspectors calling upon the overseers to collect the cess as well as the orders issued prohibiting the collection of the cess by the overseers and also the orders subsequently issued reviving the former system of the overseers collecting the same, & requesting the submission of the overseers Diary and the Petitions sent by him & also papers relating to Petro dismissal Dir July 1898.

26/11/03.

cf. 2. ch
Aug 26/11.

Drafted 27/11

Subd to Secty with draft

28/11/03

18. In docket No 2080 / F.7/51-02 dated the 2? December 1903 which was approved by the Secretary, the President was requested to submit 1, the original orders issued by the President and the Sanitary Inspector calling upon the Overseers to collect the cess, 2, the order prohibiting the collection of the cess by the Overseers, 3, Orders subsequently issued

retired receiving the former system of the Overseers collecting the same, c, the Petitioners diary relating to that period and the Patta submitted by him and lastly, the papers relating to the petitioners dismissal in July 1898.

19 The President submitted all except the order of dismissal of + on 4351/51-02 7-5-02 1898. Hence a further reference was made calling for that papers

No 249 of 7 May '02

20. In submitting an extract of the order from the Sanitary Inspector's "A" Register the President states that there are no available papers in this Connection

No 282 of 8 May '02

Submitted for orders. No entry is made in the Patta of the house under reference and the diary does not contain entries for April 1903

Orig 31/5/02

Flag O

According to the Presidents order + of the 27th April 1904, the case

were being collected under the orders of the Collector but on the 21st January 1903, the acting Vice President ~~Chairman~~ directed that as the Conservancy Department had been making better collections of the Scavenging Cess, the work would be entrusted to the Health Department. It is perhaps upon this order that the Petitioner

Exg P

Exg D.

collected Rs 1-15- from one Pattathayamma on the 7th March 1903 but his action was found to be irregular as there was a separate man employed for the collection work. The Petitioner who was prosecuted before the City Magistrate was discharged on the ground that there was no prima facie case against him.

Exg K

The present appeal is against the President's order dismissing the Petitioner.

Called for orders.

JB 9/6/03.

I took out the order of the President (Mr Murray Hall) dismissing the Petr. was to be confirmed. The Petr. was formerly collecting the amount without giving the prescribed printed receipt and not paying up the amount to the Municipality for a length of time. Was dismissed for his conduct. His former service was not good as he was dismissed for gross neglect of duty in 1898.

Subd to the Crown through the 1st Counsellor

13/6/04

1). Petitioners antecedents are bad.

2) The collection in question was an unauthorised one & the Petr knew that it was so

3) The money was not remitted as it ought to have been

4) The Magor's name is not in the Cape Register -

5) The Magor seems to have been gained over by the Petitioner -

6) The Magistrate finding was better than the Petitioners counsel was by no means about sound -

Under these circumstances I agree that the Petitioner was rightly dismissed and that there is no ground for interference - The Petn should be rejected. - 15/6/04

Papers -
Somerset Petitions
dismissed Divisional Council
1902
17.VI.04

Perfect
order Rec
20/6/1904
Order 20/6
20/6/04

16/6/04

Transferred to the
Collectorate (Municipal)
branch. [illegible]

3-05

H.V.M
Dy 15/11/03

[illegible]
The Petn ought to have
forwarded thro' the Presidt
ry Mag; however, he for-
ded to the President
report. - Subd with draft
Memo for appl or Mun
ders
2
7.03

[illegible]
11/11/03

SECTION [illegible] 203

FILE No. [illegible]

No. 554 (1)

SERIAL No. [illegible]

Name of Petitioner Fazimullah Saheb

Village Late Municipal overs

Taluk Bangalore city

District

Date of Appl 1-9-03

Date of Receipt Do

Date of Disposal

No. of Enclosure 7

ABSTRACT

State. That he has been in
13 years' service as
Municipal overseer in
the Bangalore city
that the sanitary Inspector
having issued orders to
collect Jurisdiction fee in Feb last,
he collected Rs 1-5-0 from
pattadharys & granted them
a receipt on 7th March 190
that the printed receipts
were not ready at the time
that he when the petitioner ask
for the printed receipts in
the municipal office, he
was informed that
they were not ready
that the Sanitary Inspector

MGGPB—5,000—10-11-02

would not take the money from the petitioner as the printed receipts were not ready that when the petitioner tried to return the money to the party, the receipt could not be got back as it was in the possession of her daughter, who was not in Bangalore,
that owing to some misunderstanding between the petitioner & the Sanitary Inspector, the latter took the receipts from the party & complained that the petitioner had misappropriated the money and obtained sanction to prosecute him that the petitioner was prosecuted in Criminal Case No 890 of 1902-1903 on the file of the City Magistrate Bangalore & was discharged that when the petitioner applied to the President of the Municipality to give him back his appointment, he dismissed him from service that it is clear that the petitioner could not have any guilty intention of misappropriating the money when he had granted a receipt to the party & when the money was actually delivered to his successor when a suspension order was passed that the President erred in holding that the petitioner asking for the return of the receipt was from guilty knowledge or his part praying that he may be reinstated his appointment 8/9/03

Petition for leave to sue in Civil Court 1st Sept. 1903 No. 1

The Secretary to the Government of Mysore and Chief Engineer

To

The Government of Mysore,

Municipal Department,

BANGALORE.

P.D. Order 1/9

Mysore Government Offices
General and Revenue Secretariat
Petition Department
Reg'd No 556 R
Date 1-9-1903

The humble petition of Jainullabdeen,

late Municipal Overseer in the City of Bangalore,

Most Respectfully sheweth,

7 Encl'osures

1. That he had put in 13 years service as Municipal Overseer in the Bangalore City.

556

2. That the Sanitary Inspector having issued orders to collect privy cess in February last, he collected Rs.1-15-0 from one Putta Thayee and granted her a receipt on 7th March 1903 as the printed receipts were not ready.

3. That when petitioner asked for the printed receipts in the Municipal Office, he was informed that they were not ready and the Sanitary Inspector would not take the money from him on the ground that the printed receipts were not ready.

4. That when petitioner did not think of keeping the money with him and tried to return the same to the party, the receipt could not be got back as it was in the possession of her daughter who was not in Bangalore.

5. That owing to some misunderstanding between the petitioner and the Sanitary Inspector, the latter taking the receipt from the party complained that petitioner had misappropriated the money and obtained sanction to prosecute him, though petitioner admitted the collection and his difficulty to give the money to the Sanitary Inspector who would not take it, bearing in his mind something towards ruining the petitioner.

6. That petitioner was prosecuted in Criminal Case

No.

No.890 of 1902-03 on the file of the City Magistrate, Bangalore and he was discharged for reasons set out in the judgment, authenticated copy of which is herewith submitted for perusal.

7. That when petitioner applied to the President of the Municipality to give him back his appointment, he dismissed him from the service as the enclosed copy of the order will show on the face of the judgment stating that petitioner could not have had any guilty intention of misappropriating the said money when he had granted a receipt to the party and when the money was actually delivered to his successor, when a suspension order was issued.

8. That it will be found from the Sanitary Inspecto r statement before the City Magistrate that he had some grudge against the petitioner as he spoke of several such collections and inability to collect simply to prejudice the Magistrate without bringing to light such cases, if any, if they came in his way.

9. That petitioner most humbly begs to point out that the President of the Municipality erred in holding that petitioner's asking for the return of the receipt on the ground of his returning the money for want of printed receipts was a guilty knowledge on his part and that the President was carried away more by the misrepresentations of the Sanitary Inspector, than anything found in the record of the case.

10. That if the petitioner had borne a bad character as the President states in the last portion of his order he ought to have been turned out of the service long before the above noted prosecution.

11. That the petitioner's dismissal was against the weight of evidence and the probabilities of the case and that by cancelling the dismissal order he most humbly

begs

begs that he may be ordered to be reinstated since he is innocent and burdened with a large family which is starving for no fault on his part.

Dated, ~~24th August~~ 18th September 1903,

Bangalore City.

"True Copy".

To

The Vice-President,

City Municipal Commission,

Bangalore.

Sir,

I most respectfully and humbly beg to bring to your kind notice that you were pleased to suspend me from my duty till further orders on the 4th of May 1903, and to order me to be prosecuted on the report of Mr.K. Varada Raju the Sanitary Inspector of the City.

This prosecution fell through and entirely failed to establish any charge against me and the City Magistrat in consequence discharged me on the 28th of May 1903. I have been waiting on your honour since then fully expecting you will be pleased to cancel the order of suspension and reinstate me.

I further beg to state that I am now put to great hardships and inconvenience and struggle very hard for my livelihood from not getting my pay for the last two months.

I therefore respectfully and humbly beg that yo will be pleased to pass an order to join my duty and also to order my pay for the months of May and June 1903 to be paid and thus kindly relieve me from my present troubles and uneasiness.

For which act of kindness I shall feel ever grateful to your honour.

I beg to remain,

Sir,

Your most obedient and humble servant

(Sd.) B.M.Jainullabdeen,

(Suspended) Conservancy Overseer,

No.2nd Division, Bangalore City.

21st July 1903.

Copy of Orders of the President, City Municipality, Bangalore, in regard to the attempted misappropriation by Conservancy Overseer Zainullabdin of Rs.1-15-0 being the scavengering cess collected by him from one Putta Thayamma.

"On perusing the records, I find that the accused Zainullabdin had repeatedly asked the complainant for the return of the receipt. This shows a guilty knowledge on his part and had no orders to collect any money. I am of opinion that the fact of his having done so is more than officious. As the accused Zainullabdin bears a very bad character he is dismissed from the service. "

(Sd.) H. H. Sparkes,
President,
City Municipality, Bangalore.

26th July 1903.

No.131.

Copy forwarded to Conservancy Overseer Zainullabdin through the Sanitary Inspector, City Municipality for information.

(Sd.) P.Palpu,
Health Officer,
Bangalore City.

29th July 1903.

"True Copy".

In the Court of City Magistrate,
Bangalore.

Dated 28th May 1903.

Present Mr.S.Veidyanatha Iyer,

Criminal Case No.890 of 1902-03.

Complainant,		Accused.
The City Municipal Prosecuting Inspector.	Vs:	Jainullabdeen.

JUDGMENT.

The complainant charged the accused with having retained dishonestly with himself for two months the sum of Rs.1-15-0, that he collected on 7-3-03 towards the privy cess without the knowledge of his superior officers. Warrant issued under Section 420 I.P.C.

2. The prosecution examined

1.Putta Thayee,

2. K.Varada Rajulu,

3. Dodda Runga , and filed Exhibit A, Receipt for Rs.1-15-0 granted by the accused.

3. The accused stated that he took Rs.1-15-0 from this woman towards the privy cess and granted a receipt as ordered by the Sanitary Inpector to prepare lists of houses and to begin collecting privy cess as before from January. He also stated that he had to keep the money with himself as he was told in the Office that the privy cess receipt had not been ready.

4. No prima facie case was made out against the accused.

5. It is admitted by the accused that he collected 1 rupee 15 annas from the complainant. The Prosecution 2nd witness Varadaraju the Sanitary Inspector w'o is the accused's official suppier states that the accused had not

not been ordered to collect the cess, although he admits that as matters at present stand his department has been ordered to look to the collection business also. Believing this witness, the utmost that could be said against the accused is that what he did was quite officious. But the Section 415 I.P.C. contemplates a dishonoest or fraudulent intention. The conduct of the accused in giving a receipt to the complainant for the money that he took, backed up by the complainant's statement that he offered thrice or four times to return the money to the complainant on the ground that printed receipts had not been ready, goes rather to negative such bad intention on the part of the accused. Hence I do not find a prima facie case against the accused whom I discharge under Section 253 Crl: Pro: Code.

(Sd.) S.Veidyanatha Iyer,
City Magistrate.

"True Copy"

(Sd.) N.Krishna Row,
Head Munshee.

9
(5)

In the Court of City Magistrate,

Bangalore.

Crl: Case No.890 of 1902-03.

Deposition of Putta Thayee, 1st Witness for Prosecution.

Duly sworn.

Age 50

Race } Sivachar.
Religion }

Mother's name, Chennee Veeramma,
Resident of Baleypett,

Occupation, Nayakasanee.

About two months back at about 7 or 7-30 a.m. this accused came to our street and told me "You have to pay privy cess Rs.2/- give it". I told him "Grant me receipt I shall pay". He told me "That receipt is not come yet but I will grant you my own receipt". Immediately I gave him the two rupees and he drew up a receipt and gave it to me. The paper now shown to me looks like that although I cannot read this. I had never paid such privy tax before. The accused told me that the tax was 2 Rs. for 6 months and so I gave it to him. It is only for the past 6 months that Sircar scavengers have been cleaning my privy as previously this house had been unccupied.

Cross-examined.

By Messrs.Lawerence
and
Vydyanathayya.

The accused returned me 1 anna and gave me a receipt for that much. The accused had told me that he would take back this receipt when he gave me the regular receipt. He had also told me then that when he delivered to me the regular receipt he would pay me back any money that he might have taken in excess, but that I would have to pay him whatever was difficient. About 7 or 8 or 10 days subsequent to giving me this receipt this

accused

accused came to me and told me "That receipt is not yet ready so I shall pay you back the 2 Rs/minus 1 anna and you better return me that receipt that I gave you."

Q. Then why did you not get back the money and return this receipt.

A. Because the key of the box containing this receipt was with my daughter who had gone away to Dod-Ballapur. The accused had come to me thrice or four times for the receipt but my daughter had not come back. She returned here just 7 or 8 days back. I gave the former statement here when it was 5 or 6 days after my daughter's return. A peon came to me once and asked me if this accused had given me any receipt. As my daughter was here then I opened the box and gave him this receipt. I did not complain of this affair at all to any body. I have known the accused for the past one year.

Re-examn:

None.

Read over to the witness who admits the correctness.

(Sd.) S.Veidyanatha Iyer.

Dated 28th May 1903.

In the Court of City Magistrate,

Bangalore.

Crl: Case No.890 of 1902-03.

Deposition of K.Varada Raju, 2nd Witness for prosecution.

Duly sworn,

Age 43

Race } Kshatriya
Religion. }

Father's name .... K.Rengaraju

Resident of Chamarajendrapett.

Occupation ..... Sanitary Inspector, City Municipality.

This accused is now under suspension. He was Conservancy Overseer and as such he had to see that the public streets, lanes, drains and the daily conservancy privies of private houses and also public latrines. He was not entrusted with the business of collecting any privy cess or any other tax. On about 9 or 10th March last Gundu who had been employed as our temporary cess collector reported to me in writing that he could not collect the privy cesses from many persons without the aid of this accused on the ground that they told him of having paid their cesses to this accused. I then began to make the enquiry about this accused. So I went to this woman's house and asked my peon to take this receipt from her.

Cross-examination.

Collection duty was with the conservancy department for some time but that was two years back. Dr.Palpu put a stop to that practice after he took charge of the Health Office. But when we had the collection business, Overseers had been collecting privy cesses.

Q. Again from January, you people had to collect privy cesses, I suppose.

A. Not from January but from February.

/ 2

As soon as I got the order asking me to look after the collection duty I gave an order to all the Overseers to submit a list of daily conservancy houses in their respective Divisions. It was only on the 24th April that I took the receipt from the woman. I did not ask the accused for the Rs.1-15-0 nor did he offer to give it to me. Till about 2 years back the Overseers would pay into my hands the cesses collected either on the day of collection or on the 2nd day. They were not to pay them direct to the Treasury or to the Municipal Treasury. Every receipt granted by the Municipality should bear the signature of the Vice-President who issues the receipts on the lists submitted by me. I did not ask this accused if he had taken the Rs.-1-15-0 from this woman, but he admitted the receipt of the money to the Vice-President who examined him on my report. The accused paid over the money to the peon of the division who took charge from him. No printed receipt had been granted to this woman for the Rs.1-15-0.

No re-examination.

Read over to the witness who admits ~~it~~ the correctness.

(Sd.) S.Veidyanatha Iyer.

Dated 28th May 1903.

13
(35)

"True Copy"

In the Court of the City Magistrate,
Bangalore.

Crl: Case No.890 of 1902-03.

Deposition of Dod-Renga, 3rd witness for proen:

Duly sworn.

Age 49.

Race } Vokkaligar
Religion }

Father's name..... Narasa Nayaka

Resident of Ranasinghpett.

Occupation..... Municipal Conservancy Poen.

I see this receipt. This was given up by this woman when the Sanitary Inspector accompanied by me went to her house. About 4 or 5 days previous to the day on which she gave up this receipt I had gone alone to this woman and asked her "Have you got any receipt". She said "Yes" and then from her box she brought this and showed it to me. I had a look at it and returned it to her but I did not inform ~~of this~~ to anybody of this. That money is now with me because neither the Sanitary Inspector nor the accused would take it.

Cross-examination none.

Read over to the witness who admits the correctness.

(Sd) S.Veidyanatha Iyer

Dated 28th May 1903

Plague Police Inspector Varada Chari closes the prosecution.

(Sd.) S.Veidyanatha Iyer,

Dated 28th May 1903.

16
C. 65.1

In the Court of the City Magistrate,
Bangalore.

Crl: Case No.890 of 1902-03.

Deposition of Zainullabdin.

Age 30-32

Race } Musalman
Religion }

Father's name ..... Gulam-i-ali

Resident of Manavarthipett

Occupation ..... Municipal Sanitary Overseer,
(Under Suspension.)

Q. Did you hear these witnesses.

A. Yes.

Q. What have you to say in this matter.

A. It is true that I took Rs.1-15-0 from this woman and granted this receipt.

The Sanitary Inspector ordered me in February to prepare lists(of houses) and to begin collecting privy cesses from January. So I took this Rs.1-15-0 from this woman. In the Office I was told that privy cess receipts had not been ready and hence I had to keep the money with myself. This is all.

(Sd.) S.Veidyanatha Iyer

Dated 28th May 1903.

SECTION Transfer Port

FILE No. Mis 2 1903

SERIAL No. 2

Rev and Genl Secretariat Bangalore (2) Dated 8th Septr 1903.

No 1404
L.751E—1902

Offl Memo

The accompanying Office Port Repd No 552/ of the £598
1st Septr 1903 ~~transcribed~~ received at the Govt Office from Jainullabdeen, Late Mucul Overseer, Bangalore City, complaining against his removal from service, is forwarded with the enclosures to the President of the Bangalore City Mucul Court for a detailed report with records.

By order

28/8/03

Secretary

8/9/03

11/9/03

SECTION Genl.

FILE No. 1419 1903 From

SERIAL No. 3

MYSORE GOVERNMENT 1903. GENERAL & REVENUE SECRETARIAT. 10-11-3.

The President, Municipal Commission, Bangalore City.

The Secretary to the Government of His Highness the Maharaja of Mysore, Genl. & Rev. Departments, Bangalore.

Dated 5 November 1903

Despatched

Received

General No. 118

No.

Enclosures No. 16.

Subject

Submitting report on the Appeal petition from Jainullabdeen late Conservancy Overseer, Bangalore City Municipality, complaining against his removal from Service, together with the records connected therewith.

L 1030

8

L 7 q. 110

OFFICE OF THE MUNICIPAL COMMISSION,

City Bangalore, 5th November 1903

No. 118
Mels: 16.

From

THE PRESIDENT,
Municipal Commission,
Bangalore City.

To

The Secretary to the Government
of His Highness the Mahāraja of Mysore,
General & Revenue Departments,
Bangalore

Sir,

With reference to your Official Memorandum no: 1404—L.Y. 51-1902 dated the 8th ultimo, forwarding for report with records a petition from late Conservancy Overseer Zinoolabdeen complaining against his removal from Service, I have the honor to state as follows:—

The petitioner was first employed in this Municipality in 1891 as Conservancy Overseer On the 24th July 1898 he was dismissed for Gross neglect of duty.

He was afaan on reconsideration taken as acting Conservancy Overseer in August 1898. On 1st May 1900 he was appointed burial Ground — Daffedar on Rs 12/- and was reemployed as Conservancy Overseer on Rs 15/— in August 1900. The offense for which he is now removed from service is — unauthorized collection and misappropriation of Scavenging cess. He was suspected of such malpractices for some time and his conduct was accordingly being watched. A very clear case of misappropriation having come to light in April last, the petitioner was prosecuted. But he was discharged on account of prosecution witness Puttathayee from whom he had.

collected cess having given evidence in the Court different from what she gave before the Vice-President and Health Officer owing probably to her having been somehow or other won over by the petitioner. The case referred to above is briefly this:—

The petitioner was Conservancy Overseer had no orders to collect cess as a separate Collector had been employed for the purpose in the Division the petitioner was in charge. All his duty in this connection was to ascertain the number of houses daily conserved by the Municipal Ghoties in his Division, prepare a list of them and submit it to office for being included in the cess demand Register. In violation of this

he collected cess from Puttathayee Rs
Re 1-15-0 on his own accord and appro-
priated it. Instead of the usual printed
receipt signed by the Vice-President
he issued to her a chit written in pencil
and signed by himself. He did not
remit the money to office and did
not also include Puttathayee's house in
the list prepared by him for his Division
At the enquiry held by the Vice-President
the petitioner confessed his offence and
pleaded the non-remittance of the cess
collected from Puttathayee to be a mistake.
But in the deposition before the Magistrate
he gave an entirely different version
quite opposed to facts as stated by him
before the Vice-President. Puttathayee also

having given a different version in Court the Magistrate acquitted the accused on the ground that a dishonest or fraudulent intention on the part of the petitioner was not proved. In arriving at this decision the Magistrate took into consideration only the evidence of the accused and Puttathayee and he appears to have ignored that of the Sanitary Inspector who is a respectable official of the Municipality and also the facts elicited by the Vice-President in his official enquiry. The defence put forth by the accused at Court in extenuation of all the irregularities and omissions which he was charged with, is

quite unreliable. The very fact of the petitioner having chosen for his victim an ignorant woman and withheld the remittance of the amount to Office and excluded the particular house from the demand list until the whole affair was discovered by his Superior seems to be sufficient to morally bring home the guilt to the accused. There was thus a strong circumstantial evidence regarding the petitioner's offence in the present case, in spite of the Magistrate's opinion to the contrary and there was every reason to suspect that he was in the habit of carrying on such malpractices and he had also been once dismissed for misconduct. Under these

circumstances, I deem it necessary to remove him from service, as his continuance in the Municipality would be detrimental to the good discipline of the Conservancy Staff and other Municipal Establishments generally. His appeal does not therefore seem to be admissible.

2. The petition with its enclosures received with the Memorandum under reply together with the records bearing on the case are herewith submitted.

I have the honor to be

Sir,

Your most obedient Servant,

[signature]

President

SECTION Annual
FILE No. 1419 1903
SERIAL No. 4

2080
L.T.S-1-02 9/11/03

To
The President of
the Annual Council,
Bangalore City.

Sir,

I have the honour to forward herewith a petition dated the 5th November 1903 addressed to the President of the Council by the Conservancy Overseers of the City Municipality.

With reference to the above I have the honour to request that the President will be so good enough to submit the following references:—

(1) The original orders issued by the President of the Sanitary Inspectors calling upon the Overseers to

collect the cess

2, do prohibiting the collection of the cess by the Overseers.

3, orders subsequently issued reviving the former system of the Overseers collecting the same

4, The petitioners diary relating to that period and the Patties submitted by him

5, Lastly, the papers relating to the petitioners dismissal in July, 1898.

By order

A. Leech 1/11/3

23/11/03

26 L2464

1904

SECTION Inward.

From

FILE No. 141 of 1903

SERIAL No. 5

To

MYSORE GOVERNMENT. MAY 1904. Municipal Commissioner, Genl. & Revenue Secretariat, Bangalore City.

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Genl. & Rev. Departments,
Bangalore.

Dated 4
Despatched 6 " May 1904
Received
General No. 249.
No.

Enclosures No. 3 and 1 book

Submitting further information connected with the case of Zamulabdin late Conservancy Overseer Bangalore City.

27

OFFICE OF THE MUNICIPAL COMMISSION.

City Bangalore, 4th M a y 1904.190 6"

No. 249
Encl: 3 Bundle book

From

THE PRESIDENT,
Municipal Commission,
Bangalore City.

To

The Secretary to the Government of
His Highness the Maharaja Of Mysore,
General and Revenue Departments
Bangalore.

Sm,

With reference to your docket No:. 2080/L.F.5I-02- dated the 2nd December last, and subsequent reminders calling for further information regarding the dismissal of Conservancy Overseer Zinoolabdeen, I have the honor to state that no written order is said to have been issued by the President directing the Conservancy Overseers to collect the cess as any such order is not traceable in the records. It is however, stated that when it was found by the Sanitary Inspector sometime after the introduction of the cess that the work of collection could not be satisfactorily done by the 2 Cess Collectors sanctioned by Government that official apportioned the work between them and the Conservancy Overseers at his discretion.

The orders relating to the prohibition and subsequent revival of the system of Overseers collecting the cess together with the petitioners diary and patties are herewith submitted as

called for. The order of dismissal is included in the file of papers already submitted with this Office Letter No:II8 dated the 9th November last.

I have the honor to be

Sir,

Your most obedient Servant,

O Devara

President.

SECTION Genl

FILE No. 1410 of 1903

Serial No. 6

The President of
the Municipal Commr
Bangalore City

His letter no 214 dated
the 4th May 1904 regarding
the appeal of Gundlabrin
Lake Conservancy Overseer
of the City Municipality.

4356 8/4/04
L.F. 57-02

With reference to the
above, has the honour to
observe that the papers
relating to the dismissal
of the Petitioner for gross
neglect of duty in the
year 1898 are not among
the file of papers received
with his letter no 110 dated
the 9th November last, as
stated by the President and
to request that the same
may

VP

[redacted] submitted at a

very early date

Reg ack

HB

12/5/02

For Office Secty

Aug 11/5/04

SECTION Sanitary

FILE No. 141/1902

SERIAL No. 7 From

The President, [illegible] & Revenue Secretary,
Municipal Commission,
Bangalore City.

MYSORE GOVERNMENT 1904. 28 MAY. 1904 GENL. & REVENUE SECRETARIAT.

51 L2659

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Genl. & Rev. Departments,
Bangalore

Dated 27 May 1904.
Despatched 28th May 1904.
Received
General No: 282
No.

Enclosure No. 1.

Subject: Submitting an Extract from the Sanitary Inspector's Register for 1898-99 containing the order of dismissal of Zinaalabdeen for gross neglect of duty.

67-92.

32.

OFFICE OF THE MUNICIPAL COMMISSION,

City Bangalore, 27th May 1904 190
28"

No. 282
Encl: 1.

FROM

THE PRESIDENT,
Municipal Commission,
Bangalore City.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore

SIR,

With reference to your docket No.4356-L.F.5I-02 dated the I4th Instant, I have the honor to submit herewith an Extract from the Sanitary Inspector's - 'To' Register for I898-99 containing the order of - dismissal referred to of Zinoolabdeen and to state that there are no other papers in this connection.

I have the honor to be
Sir,
Your Most Obedient Servant,

A.N. Nagarkar
President.

Extract from the In Register of the Sanitary Inspectors office for 1898—99.

× × × × ×

No: 71 Dated 5 August 1898

The Services of Yamunabai Conservancy overseer of the V Dn are dispensed with from 24th Jun 1898 by the orders of the President for gross neglect of his duty

× × × ×

L.M.S., D.P.H
Health Officer, Bangalore City.
27th May 1904

PRESIDENT, MUNICIPAL COMMISSION.
BANGALORE CITY.

SECTION Genl

FILE No. 141 of 1903

SERIAL No. 8

Read -

Letter No. 118 dated the 5th November 1903 from the President of the Municipal Commission, Bangalore City, reporting on the Appeal Petition of Linoslabbin, late Conservancy Overseer of the Bangalore City Municipality.

2) Correspondence cadrie with- Letter No. 202 dated the 27th May 1904 from the same Office.

Order thereon Lr 5001 dated 21-6-04 / 28 / L751. 02

Government decide that there are no grounds to interfere with-

with the orders appealed
against & the President is requested to forward
~~2)~~ The Petitioners
~~may be endorsed~~
accordingly 21/6/1904

Asst Secty
20/6/04

Dy 20/6/04

To, The Presdt, Inc Commission, Bangalore City,
returning the vernacular papers & bearing on the subject
(xx) 16 nos & 2 files of papers.